

Title 18: Human Services

Part 11: Division of Youth Services

Part 11 Chapter 1: Youth Access to Mail Policy

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES JUVENILE INSTITUTIONS	
Subject: Youth Access to Mail	Policy Number: 4
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Attachments A. Mail Rejection Form	Related Standards & References ACA 3-JTS-5H-01 ACA 3-JTS-5H-02 ACA 3-JTS-5H-04 ACA 3-JTS-5H-05 ACA 3-JTS-5H-06 ACA 3-JTS-5H-07 ACA 3-JTS-5H-08 ACA 3-JTS-5H-09 ACA 3-JTS-5H-10
Effective Date: August 15, 2008 Revised April 26, 2012	Approved: <hr/> James Maccarone, Director

I. POLICY

It is the policy of the Mississippi Department of Human Services, Division of Youth Services, that all youth housed at Oakley Youth Development Center have a right to send and receive mail with a reasonable degree of privacy. All youth shall be provided unlimited postage for privileged mail and postage for two letters per week. However, when youth bear the cost, there is no limitation on the amount of mail youth may send. It is the intention of the Division of Youth Services that a youth's connection to and relationship with his/her community and family is fortified and not deteriorated by time spent at the facility.

II. DEFINITIONS

As used in this policy and procedure, the following definitions apply:

- A. **Contraband** - Any item(s) introduced or found in the facility, including improperly possessed drugs (whether illegal or legal) and weapons, that are expressly prohibited by those legally charged with the responsibility for the administration and/or operation of the facility.
- B. **Correspondence** - Mail or written communication to or from youth, including letters, postcards, greeting cards and parcels.

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- C. **Privileged Correspondence** - Mail or written communication to or from youth, including letters, postcards, greeting cards and parcels to or from legal counsel, DYS Community Counselor, or other identified individual or organization.
- D. **Money:** Cash, checks, credit cards, postal notes, money orders/drafts, bonds or other forms of negotiable securities.
- E. **Inspection** – The sifting through or shaking of correspondences as a security measure to prevent the receipt and/or trafficking of contraband to or from youth in a DYS facility. **Note: *Inspection does not mean reading youth mail.***

III. PROCEDURE

- A. Correspondence: All youth, their parents/guardians, and staff shall be made aware of the protocol governing correspondence with youth during their stay at a DYS facility. (3 JTS-5H-01)
 - 1. Youth shall be informed of their right to access mail and publications during Orientation, as well as the guidelines established for mail receipt and distribution. (ACA 3-JTS-5H-06)
 - 2. A list of approved items shall be posted for youth and each youth made aware that letters and packages may be inspected for contraband.
 - 3. Parents/guardians shall be informed of their right to correspond with their child in addition to the guidelines established for mail receipt and distribution. As well, a list of approved items shall be given to them.
 - 4. When youth bear the cost of postage, no limit shall be placed on the number of correspondences that a youth may send. Limits shall not be placed on the amount of mail that youth may receive; however, youth shall only be allowed to maintain in their possession letters and other authorized property in accordance with Policies *VII.8: Property, Contraband and Searches* and *XIII.10 Behavior Incentive System*. (ACA 3-JTS-5H-02)
- B. Privileged Correspondence: (ACA 3-JTS-5H-04)
 - 1. Youth shall be permitted to send and receive sealed letters to or from specified persons and organizations, including legal representatives.
 - 2. All incoming and outgoing privileged correspondence shall be inspected for contraband in the presence of the youth.
 - a. All privileged correspondences should be given to the responsible staff person.
 - b. Then, inspected for contraband in the youth's presence.

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c. Then, sealed in the youth's presence and mailed.

C. Incoming Mail: (ACA 3-JTS-5H-09)

1. Mail shall be delivered once per day Monday through Friday, excluding state and national holidays.
2. Incoming letters addressed to youth shall be opened and inspected for contraband. However, letters from the committing judge, the Community Services Division of Youth Services Counselor and/or the youth's attorney shall not be opened and inspected with other mail; they should be set aside to be inspected in the youth's presence, as privileged mail.
3. All incoming packages addressed to youth shall be opened and inspected for contraband in the youth's presence.
4. If no contraband is found, letters and packages shall be immediately delivered to the youth.

D. Outgoing Mail:

1. Mail shall be collected and sent out once per day Monday through Friday, excluding state and national holidays.
2. Packages may be mailed for youth after inspection for contraband. Inspection does not mean reading.
3. Outgoing letters and packages shall not be sealed to allow for inspection before mailing. Inspection of letters for contraband shall take no longer than 24 hours. Inspection of packages for contraband shall take no longer than 48 hours.

E. Letters shall not be routinely read. However, when a staff member has determined that a threat to the safety and security of other youth, staff, or the general public exists, a youth's correspondence shall be read in the presence of the youth and may be withheld, censored or rejected at that time, as determined by the staff person who has read the letter.

F. The Facility Administrator may authorize the reading of specified correspondence outside of the presence of the youth if doing so facilitates an investigation involving violation of law, the safety and security of youth, staff, the facility or members of the public. The Facility Administrator may determine at what point the youth is to be advised of this action. Unnecessary delay in delivering mail shall be avoided.

G. Inspection: Incoming and outgoing letters addressed to or by youth shall not be read except when reasonable cause exists that a letter contains:

1. Information that is a threat to the security of the institution; and/or,

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2. Information that is a threat to any human being; and/or,
3. Information that is sexually explicit or obscene.
4. Inspection of letters for contraband shall take no longer than 24 hours. Inspection of packages for contraband shall take no longer than 48 hours.

H. Contraband: (ACA 3-JTS-5H-07)

1. If contraband is found, the letter or package and its contents shall be directed to the Shift Supervisor on duty with the action and reason fully documented in the Shift Supervisor Log.
 2. Contraband retrieved from packages or letters addressed to or from youth shall be:
 - a. Placed in storage for the student until discharge,
 - b. Returned to the sender, or
 - c. Referred to the appropriate law enforcement personnel.
 3. Youth and/or sender/recipient shall be notified of any rejection or withholding of incoming and/or outgoing mail via the Mail Rejection Form: XV.4 (Attachment A).
 4. Youth may file a grievance for rejected mail within five working days of notification.
 5. After removal of contraband or rejected items or material, the youth shall be given any remaining acceptable items, letter, or materials, if this is possible.
 6. If contraband found constitutes a violation of law, the entire package or letter shall be secured, a chain of custody maintained, and local law enforcement authorities immediately notified.
- I. Any cash, checks, or money orders removed from incoming mail (packages or letters) shall be placed in the youth's account, the student shall be given a receipt and a copy of such receipt shall be placed in the Youth Master File. Upon release the amount in total shall be returned to the youth. (ACA 3-JTS-5H-08)
- J. Following the release of youth from a DYS facility, all first class letters and packages shall be forwarded to youth, provided a forwarding address is available. If a forwarding address is not available, first class letters and packages should be returned to the sender. (ACA 3-JTS-5H-10).

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Format as approved by the US Department of Justice and Court Monitor.

Source: *MS Code Ann.* 1972: § 43-25; *American Correctional Association 3-JTS*